

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

HONEYWELL INTERNATIONAL, INC., and  
HONEYWELL INTELLECTUAL  
PROPERTIES, INC.,

Plaintiffs,

v.

AUDIOVOX COMMUNICATIONS CORP.,  
AUDIOVOX ELECTRONICS CORP., NIKON  
CORPORATION, NIKON INC., NOKIA  
CORPORATION, NOKIA INC., SANYO  
ELECTRIC CO., LTD., and SANYO NORTH  
AMERICA,

Defendants.

C.A. No. 04-1337-JFF

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HONEYWELL INTERNATIONAL, INC., and  
HONEYWELL INTELLECTUAL  
PROPERTIES, INC.,

Plaintiffs,

v.

APPLE COMPUTER, INC.; ARGUS a/k/a  
HARTFORD COMPUTER GROUP, INC.;  
CASIO COMPUTER CO., LTD.; CASIO, INC.;  
CONCORD CAMERAS; DELL  
INC.; EASTMAN KODAK COMPANY; FUJI  
PHOTO FILM CO., LTD.; FUJI PHOTO FILM  
U.S.A., INC.; FUJITSU LIMITED; FUJITSU  
AMERICA, INC.; FUJITSU COMPUTER  
PRODUCTS OF AMERICA, INC.; KYOCERA  
WIRELESS CORP.; MATSUSHITA  
ELECTRICAL INDUSTRIAL CO.;  
MATSUSHITA ELECTRICAL  
CORPORATION OF AMERICA; NAVMAN  
NZ LIMITED; NAVMAN U.S.A. INC.;  
OLYMPUS CORPORATION; OLYMPUS  
AMERICA, INC.; PENTAX CORPORATION;  
PENTAX U.S.A., INC.; SONY

C.A. No. 04-1338-JFF

CORPORATION, SONY CORPORATION OF AMERICA; SONY ERICSSON MOBILE COMMUNICATIONS AB; SONY ERICSSON MOBILE COMMUNICATIONS (USA) INC.; TOSHIBA CORPORATION; and TOSHIBA AMERICA, INC.

Defendants.

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HONEYWELL INTERNATIONAL INC., AND HONEYWELL INTELLECTUAL PROPERTIES INC.,

Plaintiff,

v.

CITIZEN WATCH CO., LTD. AND CITIZEN DISPLAYS CO., LTD.,

Defendants.

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C.A. No. 05-0874-JFF

**MOTION OF DEFENDANTS CITIZEN WATCH CO., LTD. AND CITIZEN DISPLAYS CO., LTD. FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT**

Defendants Citizen Watch Co., Ltd. and Citizen Displays Co., Ltd. (collectively “Citizen”) respectfully request that the Court enter summary judgment in favor of Citizen, pursuant to Rule 56(a) of the Federal Rules of Civil Procedure, on the ground that there is no genuine issue of material fact as to the claims of infringement by Honeywell International Inc. and Honeywell Intellectual Properties Inc. (collectively “Honeywell”), and therefore Citizen is entitled to judgment of non-infringement as a matter of law.

Citizen made and sold the only Citizen LCD module that Honeywell has accused of infringement, the K1122H-HL LCD module, entirely outside the United States. Citizen did not import or intend to have imported any of these accused modules into the U.S. The evidence shows that, at most, only 1,000 modules may have entered the U.S. on one occasion in December

2004, when Panasonic, a cellphone manufacturer and seller, may have imported X300 cellular phones, each containing as a part thereof the K1122H-HL LCD module. However, Panasonic did not purchase these LCD modules from Citizen, but rather purchased the cellphones from Quanta, a Taiwanese company that purchased Citizen's LCDs and manufactured the X300 cellphones for Panasonic. Furthermore, Citizen did not learn of this possible importation until a year later, in December 2005, after Honeywell filed this suit against Citizen. There is no evidence that Citizen engaged in any conduct that promoted or encouraged any importation, and there is no evidence to support a finding that Citizen possessed specific intent to induce the alleged infringement. Without such evidence, there is no genuine issue of material fact as to Honeywell's inducement claim, and summary judgment should be granted.

This motion is based on this Motion, the supporting brief filed herewith, the supporting Declarations of Akihiro Takeuchi, Takuji Nakao, Carol Lu, Terumoto Kimura, and David Ben-Meir and exhibits attached thereto, the pleadings and papers on file herein, such matters as may be judicially noticed by the Court, and upon such other matters as may be presented to the Court at the time of the hearing.

For each of the foregoing reasons, Citizen respectfully requests that the Court grant its Motion for Summary Judgment of Non-Infringement of U.S. Patent No. 5,280,371.

BOUCHARD MARGULES & FRIEDLANDER, P.A.

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| <p>OF COUNSEL:<br/>         Stuart Lubitz<br/>         David H. Ben-Meir<br/>         HOGAN &amp; HARTSON, LLP<br/>         1999 Avenue of the Stars<br/>         Suite 1400<br/>         Los Angeles, California 90067</p> <p>DATED: April 25, 2008</p> | <p><u>/s/ David J. Margules</u><br/>         David J. Margules (Bar No. 2254)<br/>         Evan O. Williford (Bar No. 4162)<br/>         222 Delaware Avenue, Suite 1400<br/>         Wilmington, DE 19801<br/>         Tel: (302) 573-3508<br/>         Fax: (302) 573-3501<br/>         E-mail: <a href="mailto:dmargules@bmf-law.com">dmargules@bmf-law.com</a><br/>         E-mail: <a href="mailto:ewilliford@bmf-law.com">ewilliford@bmf-law.com</a><br/> <i>Attorneys for Defendants Citizen Watch Co., Ltd. and<br/>         Citizen Displays Co., Ltd.</i></p> |
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